

Remarks

This amendment is in reply to the Official Action dated July 12, 2005 and the Advisory Action dated October 28, 2005. It is believed that this Amendment places the present application in condition for allowance. Reconsideration and an early allowance are requested. By the present Amendment, independent claim 30 has been amended to recite an embodiment of the inventive composition comprising, inter alia, a class II aldehyde. Support for this amendment comes from, for example, the original claim, which uses the and/or language to define the embodiments. Applicants note that this amendment does not result in defining the composition as being without class I aldehydes, but, rather, operates to define compositions comprising, inter alia, class II aldehydes.

Claims 3-18 and 30-33 remain pending and subject to examination. Reconsideration is respectfully requested.

35 U.S.C. § 103(a)

Claims 3-5, 11, 15-18 and 30-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,714,137 to Trinh et al. (Trinh), in view of U.S. Patent No. 5,676,163 to Behan et al. (Behan), and U.S. Patent 5,861,371 to Wilsch-Irrgang et al. (W-I). Specifically, the Examiner asserts that Trinh discloses aqueous, odor absorbing compositions for use on inanimate surfaces, the compositions comprising about 0.1% to about 5% by weight of solubilized, uncomplexed cyclodextrin (CD) and essentially free of any material which would stain or soil fabric, with a pH greater than about 3. The Examiner further asserts that suitable CD are disclosed, and that "cavities should remain uncomplexed," stating that "this can be

accomplished through the use of aqueous solvents and appropriate choice of perfume materials." The Examiner asserts that perfume is present up to about 0.5% and that the reference teaches a preferred embodiment wherein about 75% of the perfume ingredients should have a Clog P of about 3 or smaller, and that anisaldehyde is among the materials taught as "most preferable perfume materials." The Examiner teaches that "materials with a Clog P of this magnitude are relatively hydrophobic, having a thousand-fold preference for octanol over water." The Examiner further asserts that the reference teaches various other claimed limitations as well, but states that the reference does not specifically disclose use of a class I or class II aldehyde in the recited amounts, or use of an odor blocker in the recited amounts.

With respect to the secondary references, the Examiner asserts that Behan teaches that anisaldehyde is a class 1 aldehyde, and W-I teaches that terpenes, including alpha-terpineol, are useful deodorizers in cleaning compositions. The Examiner also asserts that the "odor blockers and class I and class II aldehydes contemplated for use in these compositions are those disclosed in the cited secondary references." The Examiner concludes that the combination would have been obvious because the references teach that "all of the ingredients recited by applicants are suitable for inclusion in an odor absorbing composition. This rejection is traversed and reconsideration is respectfully requested.

Instant independent claim 30 (from which the other rejected claims depend) is directed to an odor-absorbing or neutralizing concentrated composition useable as an additive in one or more steps of a laundry process. The composition comprises: solubilized, uncomplexed cyclodextrin; from about 0.0005 to about 1 weight percent of an effective amount of odor blocker; and from about 0.01 to about 1 weight percent of an effective amount of class II aldehyde. The composition contains at least enough cyclodextrin to provide significant

reduction in malodor that survives a typical laundry wash, having a pH of more than about 3, and is suitable for use as an additive in pre-treating, washing, and/or rinsing of fabrics. The composition is packaged in association with instructions to use it in at least an effective amount in at least one step in a laundry process to counteract malodors that remain after said laundry process.

The primary reference, Trinh, is directed to uncomplexed CD solutions for odor control on an inanimate object, and in one example, the "inanimate object" is disclosed in the specification as a fabric. However, Trinh fails to disclose such compositions comprising an effective amount of a class II aldehyde. Trinh fails to disclose a class II aldehyde ingredient in an amount effective for the purposes of the instant inventive compositions, as defined by instant claim 30.

The secondary references do not cure this deficiency. The Examiner relies on Behan for its disclosure that anisaldehyde is a class I aldehyde, however the present claim 30 requires a class II aldehyde.

The other secondary reference, W-I, is directed to compositions for after-treatment of laundry comprising quaternium ammonium compounds, and, optionally terpene compounds, and does not teach or suggest compositions comprising class I or class II aldehydes, in any range, or as a component of any other ingredient, and, therefore, does not overcome the deficiencies of the other two references with respect to the class II aldehyde ingredient, and effective amounts, or effective ranges thereof.

To establish prima facie obviousness of the claimed invention, all the claim limitations must be taught or suggested by the prior art, *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). Trinh fails to disclose compositions comprising class II aldehydes. The

secondary references, Behan and W-I, fail to cure these deficiencies. Hence, instant independent claim 30 is nonobvious and patently distinguishable over Trinh, in view of Behan and W-I.

Dependent claims are nonobvious under §103 if the independent claims from which they depend are nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ 2d 1596 (Fed. Cir. 1988). Hence, the rejection under 35 U.S.C. § 103 of independent claim 30, and claims 3-5, 11, 15-18 and 31-33, dependent therefrom, has been overcome. Reconsideration is respectfully requested.

Claims 3-5, 11, 15-18 and 30-33 are rejected under 35 U.S.C. § 103 as being unpatentable over Trinh, Behan, and W-I, further in view of Japanese Patent No. 10-194,905 (JP). Specifically the Examiner asserts the teachings of the three references as set forth above, and further asserts that Trinh teaches that water soluble antimicrobial preservatives, including low molecular weight aldehydes, may be added at 0.001 to about 0.5% by weight. The Examiner asserts the JP reference for allegedly teaching that anisaldehyde is a low molecular weight aldehyde having antibacterial and antifungal properties such that it would have been obvious to add anisaldehyde at 0.001 to about 0.5% to act as a preservative. This rejection is traversed and reconsideration is respectfully requested.

Instant independent claim 30 is set forth in detail, above.

The teachings of Trinh, Behan, and W-I, and the deficiencies of this combination vis a vis independent claim 30, are set forth above. JP fails to cure these deficiencies. The additional secondary reference, JP, is directed to antifungal, anti-mold and antibacterial formulations that readily vaporize upon application to a substrate (see JP Translation, page 1, paragraphs 4, 5 and 6). JP paragraph 7 lists suitable antimicrobials, all of which are organic, and all of which exhibit

the property sought by JP, that is, they are volatile organics. Anisaldehyde, as an aromatic aldehyde, is listed as a suitable preservative for the compositions and purposes of JP.

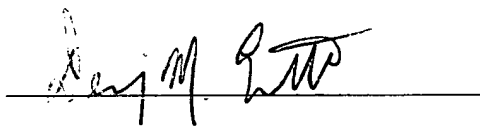
However, anisaldehyde is specifically disclosed by Behen as being a class I aldehyde.

As noted above, to establish prima facie obviousness of the claimed invention, all the claim limitations must be taught or suggested by the prior art, *In re Royka*, 180 U.S.P.Q. at 580. The combination of references, Trinh, Behan, W-I and JP, fail to teach or suggest compositions comprising, inter alia, class II aldehyde. Hence, the combination fails to establish a prima facie case and instant independent claim 30 is therefore patentably distinct.

Hence, the rejection of claims 3-5, 11, 15-18 and 30-33 under 35 U.S.C. § 103 over Trinh, in view of Behan and W-I, further in view of JP, has been overcome. Reconsideration is respectfully requested.

It is believed that the above is a complete and comprehensive response to the rejections under 35 U.S.C. § 103 as asserted in the July 12, 2005 Office Action. Reconsideration and an early allowance are therefore respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Denise M. Everett", is written over a horizontal line.

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